

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION

ANDRIETTE ROWELL,)	
)	
Plaintiff,)	
)	
v.)	Civil Action Number 3:07-CV-475-WHA
)	
CITY OF AUBURN, ALABAMA)	
a municipal corporation)	
)	
Defendant.)	

ANSWER TO AMENDED COMPLAINT

COME NOW the Defendant City of Auburn, Alabama and herewith gives answer to Plaintiff's Amended Complaint as follows:

1. The Defendant admits the allegations of paragraph 1.
2. The Defendant admits the allegations of paragraph 2.
3. To the extent an Answer is required, the Defendant denies the allegations of paragraph 3.
4. The Defendant denies the allegations of paragraph 4.
5. The Defendant admits Plaintiff was employed in April, 1990 as a Municipal Magistrate, and promoted to Assistant Court Clerk/Supervisor on March 1, 1997 and has been continuously employed in that position since that date; otherwise the Defendant denies the allegations of paragraph 5.
6. The Defendant denies the allegations of paragraph 6.
7. The Defendant denies the allegations of paragraph 7.
8. The Defendant denies the allegations of paragraph 8.

9. The Defendant denies the allegations of paragraph 9.
10. The Defendant denies Plaintiff is entitled to any relief.

AFFIRMATIVE DEFENSES

1. The Defendant denies each allegation not specifically admitted herein and demands strict proof of same.
2. The Defendant avers that the Amended Complaint fails to state a cause of action entitling Plaintiff to relief.
3. The Defendant denies any wrongdoing and denies Plaintiff is entitled to any relief.
4. The Defendant avers Plaintiff did not suffer an illegal adverse employment action.
5. The Defendant avers this suit is not timely filed.
6. The Defendant avers all Plaintiff's claims, as alleged in her Amended Complaint, which occurred more than one hundred and eighty (180) days prior to the filing of her Charge of Discrimination with the Equal Employment Opportunity Commission ("EEOC") are barred by the applicable statute of limitations and/or the Plaintiff's failure to comply with the procedures required by 42 U.S.C. § 2000(e).
7. The Defendant avers Plaintiff cannot pursue any claim that is not "like or related" to the claims raised in her Charge of Discrimination which is the statutory predicate for those claims.
8. The Defendant affirmatively pleads that Plaintiff's claims are barred in that Plaintiff failed to satisfy the jurisdictional prerequisite for maintenance of any such action.

9. The Defendant denies Plaintiff has suffered any injury or damage but further avers Plaintiff's own actions or inactions caused or contributed to any alleged injury or damage hence Plaintiff is barred from recovery.

10. The Defendant avers all employment decisions were made on a legitimate, non-discriminatory, and permissible basis.

11. The Defendant avers all employment decisions were made on a legitimate, non-retaliatory and permissible basis.

12. The Defendant denies the existence of any custom or policy that allegedly resulted in the violation of Plaintiff's rights.

13. The Defendant pleads immunity.

14. The Defendant denies it discriminated against the Plaintiff. However, if the fact finder reaches a contrary conclusion, the Plaintiff cannot establish that she was damaged or injured by any action of Defendant since the same decisions would have been made absent any impermissible consideration.

15. The Defendant avers Plaintiff failed to mitigate her alleged damages.

16. The Defendant pleads the statute of limitations.

17. The Defendant pleads the statutory cap applicable to any claim for damages.

/s/ *Randall Morgan*
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CERTIFICATE OF SERVICE

I hereby certify that on this the 6th day of November, 2007, I have electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification to the following via email:

Gerald L. Miller, Esq.
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Birmingham, Alabama 35203

/s/ *Randall Morgan*

OF COUNSEL